



## Brookgreen Forest Homeowners Association, Inc. Notice of Retracted Architectural Standards Changes

Brookgreen Forest HOA  
C/O: CASNC  
4917 Waters Edge Drive  
Raleigh, NC 27606  
Fax: (910) 295-0182

Dear Neighbor,

During the Brookgreen Forest Homeowners Association Annual Meeting of Homeowners on December 2, 2022, a motion from the floor was made to remove the restrictions around solar collectors. After discussion and confirming advisement from our property manager, the homeowners in attendance passed the motion.

Concern was brought to our attention regarding the lack of notice of this change, as required by Article VIII of our Architectural Standards and Control Specifications. Upon legal review, it was determined that the motion from the floor was out of order and procedurally improper, making the vote on changes to solar collector restrictions within the ASCS void. As such, there is no formal change to the ACS standards on solar collectors and the ACS standards shall read as they previously existed.

The North Carolina Supreme Court's decision about the regulation of residential solar panels in the case of *Belmont Association Inc. v. Farwig*, No. 214A21 (N.C. June 17, 2022) does not apply to our community. The Belmont decision was on the interpretation of the North Carolina General Statute § 22B-20, which is not applicable to Brookgreen Forest due to the date that our Declaration was recorded with the registry of deeds.

This letter shall serve as notice to all homeowners that the changes to Article V, Section 19 of the ACS on solar collectors are retracted due to the void vote and Article V, Section 19 has been returned to its previous language. Article V, Section 19 shall read as follows:

### Section 19 – Solar Collectors

- 1) Must not be visible from the street in front of the home.
- 2) Must be mounted on the rear roof of the home.
- 3) Must not exceed 10" clearance from the roof.
- 4) Must be repaired if damaged.
- 5) Must be removed if no longer in use.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Winspear".

Jamie Winspear, President  
Brookgreen Forest Homeowners Association  
[president@brookgreenforest.com](mailto:president@brookgreenforest.com)

# Change Log

January 20, 2022

- Article V, Section 19
  - Retracted the change to solar collectors as the recent legal rulings do not apply to our community.
    - Section 19 – Solar Collectors
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